met. Moreover, as per Manual of Patent Examining Procedure chapter 803, the criteria for restriction include the necessary presence of a serious burden on the examiner if restriction is not required. Since all of these claims are concerned with closely related subject matter and particularly since claims 9-12 are concerned with coating the aqueous compositions of claims 1-8, there is no such burden on the examiner. Therefore, applicant respectfully requests the examiner to withdraw the restriction requirement and to proceed with a substantive examination of claims 1-12 at this time.

Applicant elects to prosecute claims 1-8 of Group I should the examiner make the restriction requirement final.

REMARKS

In the above-identified Office Action the examiner rejected claims 1-8 under 35 USC 102(b or e) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over US 2,976,203 to Young, et al. ("Young"), US 3,238,159 to DiBenedetti, et al. ("DiBenedetti"), or US 3,238,168 to Wolff, et al. ("Wolff"). The examiner rejected claims 1-8 under 35 USC 112, second paragraph over the use of the term "emulsion polymer". The examiner provisionally rejected claims 1-8 under 35 USC 101 as claiming the same invention as that of claims 1-8 of copending Application No. 09/882,024.

Claims 1-2, as amended, are directed to an aqueous acrylic emulsion polymer of a selected composition, at least 40 wt% of which is formed by a particular redox emulsion polymerization. Claims 4(as amended)-8 are directed to an aqueous coating composition including the aqueous acrylic emulsion polymerization.

Support for the amendment to claims 1 and 4 are found in the Specification at page 3, line 30 to page 4, line 25 and Examples 1-3.

35 USC 102(b or e) REJECTION OF CLAIMS 1-8 OVER YOUNG

The examiner has rejected claims 1-8 under 35 USC 102(b or e) as anticipated by Young because Young discloses aqueous dispersions based on acrylic emulsion polymers, useful in forming coating compositions, wherein the emulsion polymers include copolymerized nonionic (meth)acrylic monomer and acid monomer in an aqueous system using a redox initiator system and a chain transfer agent. Applicant respectfully submits that Young does not disclose an emulsion polymerization formed at a pH of from 4 to 8. Nor are Young's embodiments inherently formed at a pH of from 4 to 8 as is the subject of applicant's Declaration under 35 USC 1.132 attached hereto. Since Young does not disclose each and every element of applicant's claims 1-2 and 4-8, as amended, applicant concludes that his claims are not anticipated by Young.

Applicant respectfully requests the examiner to withdraw her rejection of claims 1-2 and 4-8, as amended, over Young under 35 USC 102(b or e).

35 USC 103(a) REJECTION OF CLAIMS 1-8 OVER YOUNG

The examiner has rejected claims 1-8 under 35 USC 103(a) as obvious over Young because Young discloses as above. Applicant respectfully points out that Young does not teach or suggest an emulsion polymerization formed at a pH of from 4 to 8 in the presence of a redox reaction catalyzing metal salt. Nor does Young teach or suggest the benefit of his composition as a coating having a useful level of scrub resistance, alkali resistance, and hydrolytic resistance, but rather use as a contact adhesive or a pressure-sensitive adhesive, uses which totally fail to direct one skilled in the art to expect success in providing a coating having a useful level of the desired properties. Applicant concludes that Young provides no teaching or motivation to applicant's invention as claimed in claims 1-2 and 4-8, as amended.

Applicant respectfully requests the examiner to withdraw her rejection of claims 1-2 and 4-8, as amended, over Young under 35 USC 103(a).

35 USC 102(b or e) REJECTION OF CLAIMS 1-8 OVER DIBENEDETTI

The examiner has rejected claims 1-8 under 35 USC 102(b or e) as anticipated by DiBenedetti because DiBenedetti discloses aqueous dispersions based on acrylic emulsion polymers, useful in forming coating compositions, wherein the emulsion polymers include copolymerized nonionic (meth)acrylic monomer and acid monomer in an aqueous system using a redox initiator system and a chain transfer agent. Applicant respectfully submits that DiBenedetti does not disclose an emulsion polymerization formed at a pH of from 4 to 8. Nor are DiBenedetti's embodiments inherently formed at a pH of from 4 to 8 as is the subject of applicant's Declaration under 35 USC 1.132 attached hereto. Since DiBenedetti does not disclose each and every element of applicant's claims 1-2 and 4-8, as amended, applicant concludes that his claims are not anticipated by DiBenedetti.

Applicant respectfully requests the examiner to withdraw her rejection under 35 USC 102(b or e) of claims 1-2 and 4-8, as amended, over DiBenedetti.

35 USC 103(a) REJECTION OF CLAIMS 1-8 OVER DIBENEDETTI

The examiner has rejected claims 1-8 under 35 USC 103(a) as obvious over DiBenedetti because DiBenedetti discloses as above. Applicant respectfully points out that DiBenedetti does not teach or suggest an emulsion polymerization formed at a pH of from 4 to 8. Nor does DiBenedetti teach or suggest the benefit of his composition as a coating having a useful level of scrub resistance, alkali resistance, and hydrolytic resistance, but rather use as an adhesive for coating pigments used in paper coatings, a use which fails to direct one skilled in the art to expect success in providing a coating having a useful level of the desired properties. Applicant concludes

that DiBenedetti provides no teaching or motivation to applicant's invention as claimed in claims 1-2 and 4-8, as amended.

Applicant respectfully requests the examiner to withdraw her rejection of claims 1-2 and 4-8, as amended, over DiBenedetti under 35 USC 103(a).

35 USC 102(b or e) REJECTION OF CLAIMS 1-8 OVER WOLFF

The examiner has rejected claims 1-8 under 35 USC 102(b or e) as anticipated by Wolff because Wolff discloses aqueous dispersions based on acrylic emulsion polymers, useful in forming coating compositions, wherein the emulsion polymers include copolymerized nonionic (meth)acrylic monomer and acid monomer in an aqueous system using a redox initiator system and a chain transfer agent. Applicant respectfully submits that Wolff does not disclose an emulsion polymerization formed at a pH of from 4 to 8. Nor are Wolff's embodiments inherently formed at a pH of from 4 to 8 as is the subject of applicant's Declaration under 35 USC 1.132 attached hereto. Since Wolff does not disclose each and every element of applicant's claims 1-2 and 4-8, as amended, applicant concludes that his claims are not anticipated by Wolff.

Applicant respectfully requests the examiner to withdraw her rejection under 35 USC 102(b or e) of claims 1-2 and 4-8, as amended, over Wolff.

35 USC 103(a) REJECTION OF CLAIMS 1-8 OVER WOLFF

The examiner has rejected claims 1-8 under 35 USC 103(a) as obvious over Wolff because Wolff discloses as above. Applicant respectfully points out that Wolff does not teach or suggest an emulsion polymerization formed at a pH of from 4 to 8. Nor does Wolff teach or suggest the benefit of his composition as a coating having a useful level of scrub resistance, alkali resistance, and hydrolytic resistance, but rather use to form a water-thin solution of alkali-soluble polymer, a use which fails to direct one skilled in the art to expect any chance of success in providing a coating having a useful

level of scrub resistance, alkali resistance, and hydrolytic (NaOH) resistance. Applicant concludes that Wolff provides no teaching or motivation to applicant's invention as claimed in claims 1-2 and 4-8, as amended.

Applicant respectfully requests the examiner to withdraw her rejection of claims 1-2 and 4-8, as amended, over Wolff under 35 USC 103(a).

35 USC 112, SECOND PARAGRAPH REJECTION OF CLAIMS 1-8

The examiner rejected claims 1-8 under 35 USC 112, second paragraph over the use of the term "emulsion polymer". Applicant respectfully submits that his amendment to claims 1 and 4 to indicate that the aqueous emulsion polymer is formed by emulsion polymerization techniques is responsive to this rejection.

Applicant respectfully requests the examiner to withdraw her rejection of claims 1-2 and 4-8, as amended, under 35 USC 112, second paragraph.

OBJECTION TO THE SPECIFICATION

The examiner objects to the disclosure over the question of the difference between Comparative Runs B-D and Inventive Runs 1-3. Applicant respectfully submits that the Specification is correct. Comparative Runs B-D are conducted as thermal emulsion polymerizations for the bulk of the reaction, i.e., the radical source is the thermal decomposition product of ammonum persulfate (APS) (page 13, line 22 to page 14, line 4). On the other hand inventive Runs 1-3 are conducted as redox polymerizations in which the radical source is the product of the oxidation-reduction reaction in which APS acts as the oxidant and sodium hydrosulfite as the reductant in the presence of redox reaction catalyzing metal salt, ferrous sulfate heptahydrate (page 14, line 21 to page 15, line 3).

35 USC 101 PROVISIONAL REJECTION

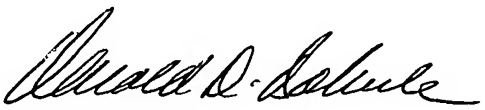
The examiner provisionally rejected claims 1-8 under 35 USC 101 as claiming the same invention as that of claims 1-8 of copending Application No. 09/882,024. Applicant has expressly abandoned copending Application No. 09/882,024 in a paper in that case mailed with a certificate of First Class Mailing on December 13, 2002. Applicant respectfully requests the examiner to withdraw this provisional rejection.

ERRONEOUS IDENTIFICATION OF APPLICANT ON IDS

The examiner pointed out that the "List of Art Cited by Applicant" with the IDS received by the USPTO on October 22, 2001 erroneously identified "Dennis Paul Lorah, et al." as the Applicant. This was a clerical error. Applicant respectfully avers that the true inventor/applicant is "Ralph Craig Even" as otherwise presented in the subject case.

Applicant respectfully requests the examiner to pass his claims 1-8 to allowance at this time. Applicant's agent is available in order to expedite the allowance of this case at 215-641-7822 or by FAX at 215-641-7027.

Respectfully Submitted,



Rohm and Haas Company
Independence Mall West
Philadelphia, PA 19106-2399

Ronald D. Bakule
Agent for Applicant
Registration No. 32,681

Date: December 18, 2002

Version with markings to show changes made

In the claims

Claims 1 and 4 have been amended as follows:

1(amended). An aqueous acrylic emulsion polymer comprising, as copolymerized units, 70 to 99.5% by weight, based on dry polymer weight, monoethylenically unsaturated nonionic (meth)acrylic monomer and from 0.3 to 10% by weight, based on dry polymer weight, monoethylenically unsaturated acid monomer, wherein at least 40% by weight, based on dry polymer weight, of said emulsion polymer is formed by redox emulsion polymerization at a pH of from 4 to 8 in the presence of 0.001 to 0.05 moles chain transfer agent per kg dry polymer weight and a redox reaction catalyzing metal salt.

4(amended). An aqueous coating composition comprising an aqueous acrylic emulsion polymer, said polymer comprising, as copolymerized units, 70 to 99.5% by weight, based on dry polymer weight, monoethylenically unsaturated nonionic (meth)acrylic monomer and from 0.3 to 10% by weight, based on dry polymer weight, monoethylenically unsaturated acid monomer, wherein at least 40% by weight, based on dry polymer weight, of said emulsion polymer is formed by redox emulsion polymerization at a pH of from 4 to 8 in the presence of 0.001 to 0.05 moles chain transfer agent per kg dry polymer weight and a redox reaction catalyzing metal salt.